

### ***Remarks***

The present Amendment is in response to the Office Action dated April 22, 2002 in the above-identified application for patent. Filed concurrently herewith is a request for a two (2) month extension of time so that the present Amendment is due September 22, 2002, a Saturday, making the present Amendment due on September 23, 2002 pursuant to the provisions of 37 C.F.R. § 1.7.

At the outset, Applicant would like to convey its appreciation for the Examiner's meticulous review of this application in pointing out various informalities found in the figures, written description, and the claims. In addition, Applicant notes for the Examiner's attention that an Abstract of the disclosure, as required by 37 CFR 1.72(b), is being submitted herewith on a separate sheet.

Turning now to the Office Action, the Examiner has correctly noted that the specification makes reference to a circular flat wall as element 42 and an open lid interior 69 but that these elements do not appear to be labeled in the corresponding Figures. Accordingly, appropriate correction to Figures 3 and 4 has been provided. Additionally, the Examiner has noted that the paragraph on page 15 beginning at line 20 is awkward and has suggested that it be revised. Applicant has revised this paragraph for the Examiner's consideration.

Turning now to the rejections of the claims under 35 U.S.C. § 112(b), the Examiner will please note that the informalities noted in paragraph 5 of the Office Action, as well as various other informalities identified by the Applicant have been addressed by appropriate amendments to claims 1, 9-11, 13, 15, 22, 23, and 25. Applicant wishes to note, however, that the elements "inner surface", "upper rim", and

"support surface" were recited in claim 1 and that their respective recitations in dependent claims 6, 9, 14, which were identified in paragraph 5 of the Office Action as lacking proper antecedent basis, appear instead, to have proper antecedent basis. Further, in claim 14, Applicant notes the recitation of "a plane parallel to said support surface" and a later recitation in claim 14 of "the plane". It is believed that this latter recitation of "the plane" also has proper antecedent basis based on the prior recitation of "a plane parallel to said support surface". Accordingly, Applicant requests that the Examiner reconsider her position in this respect.

Turning then to the rejections over the art, claims 1-6, 8, 11, 15-16, 18, 20-22, and 24-27 are rejected under 35 U.S.C. § 102(a or e) as being anticipated by U.S. Patent No. 6,227,843 to Pedersen et al. Claims 1-3, 5, 8, 11-16, 20, 22, and 24-27 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,868,128 to Omar. Finally, claims 7, 9-10, 17, 19, and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Pedersen et al. in view of U.S. Patent No. 5,094,223 to Gonzalez.

Pursuant to 37 C.F.R. § 1.131, Applicant submits herewith a showing of facts relating to those claims which have been rejected over Pedersen et al., taken either alone or in combination with other art, as set forth by the Examiner in paragraphs 7 and 10 of the Office Action. Particularly, Applicant submits a showing of facts in the form of declarations by the inventor, Daniel W. Van Vleet and the supporting declarations of Robert Van Vleet, Todd Keller, and Roger Rezac "swearing behind" the June 3, 1999 effective filing date of Pedersen et al.

More specifically, Daniel W. Van Vleet, the inventor of the above-identified patent application, declares that he invented and reduced to practice the campfire apparatus that is the subject of the present application prior to the June 3, 1999 effective filing date of Pedersen et al. Daniel Van Vleet's declaration establishes that he conceived of the campfire apparatus at least as early as August 1998, which is when he completed his first prototype of the present invention having numerous ones of the features disclosed and claimed in the application papers. Photographs of the first prototype are attached as Exhibit A to Daniel Van Vleet's declaration. In addition, the supporting declarations of Todd Keller and Roger Rezac further support that the initial prototype was completed in August 1998 and attached to those declarations are photographs of the initial prototype.

Moreover, the 1.131 declarations submitted herewith support the completion of the second prototype of the present invention in March 1999, which had additional ones of the features disclosed and claimed in the application papers. More specifically, Daniel Van Vleet declares that he completed the second prototype of the campfire apparatus sometime in March 1999. Attached as Exhibit B in support of his declaration are photographs of the second prototype. Additionally, the declarations of Robert Van Vleet, Todd Keller, and Roger Rezac establish facts that the second prototype was in fact completed sometime in March 1999 and photographs of the second prototype are also attached to the supporting declarations as Exhibit B.

The statements contained in each of the declarations of Daniel Van Vleet, Robert Van Vleet, Todd Keller, and Roger Rezac, as well as the photographs attached as Exhibits A and B to each declaration clearly establish that numerous features of the

campfire apparatus disclosed and claimed in this application were invented and reduced to practice well before the June 3, 1999 effective filing date of Pedersen et al. Accordingly, in light of these 37 C.F.R. § 1.131 declarations, Applicant believes that all claims of the present application which are rejected over Pedersen et al., taken either alone or in combination with other references, are allowable. That is, it is believed that claims 1-11 and 15-27 are allowable over the Pedersen et al. reference.

The only outstanding issues, then, pertain to the rejections of claims 1-3, 5, 8, 11-16, 20, 22, and 24-27, which, as noted above, are being rejected under 35 U.S.C. § 102(b) as being anticipated by Omar. Applicant has made various amendments to independent claims 1, 15, 24, and 25 that it believes provides claim elements not taught by the Omar reference. Specifically, with respect to claim 1, Applicant has amended the claim to recite a spacer adapted to be interposed between said fire pan and said base. Similarly, claim 25 has been amended to recite that the fire pan is positioned in spaced relation above a base support. The Omar reference does not teach a spacer between the base and the fire pan, but rather teaches an apparatus of a unitary structure such that the base and the platform are not spaced apart by a separate piece. Accordingly, it is believed that claim 1 and dependent claims 2-14, as well as claim 25 and dependent claims 26 and 27 are now in condition for allowance.

With respect to claim 15, the claim has been amended to recite that the base and the fire pan are securable to one another. Again, for the reasons stated above, it is believed that the Omar reference does not teach a fire pan securable to the base in that the base and fire pan are of a unitary construction. Accordingly, it is believed that claim 15 and dependent claims 16-22 are now in condition for allowance.

Turning next to claim 24, the claim has been amended to recite a quantity of vermiculite adapted to be disposed in said fire pan. The Omar reference only teaches the use of lava rocks and therefore does not anticipate vermiculite. Accordingly, it is believed that claim 24 is now in condition for allowance.

The Examiner will also please note that new claims 28-33 have been added to this application. New claim 28 is substantially original claim 1 with the added recitation of a lid adapted to enclose the pan interior when in the assembled state. While Omar teaches a lid used with the fire pit apparatus, the Examiner will note that the lid is supported by a lid support structure 4 when in the assembled state. (Col. 3, lines 8-9). It appears that because of lid support structure 4, lid 5 cannot enclose the fire pan interior when the apparatus is in the assembled state. Furthermore, Omar notes that when the apparatus is in the *disassembled* state, the lid may be used to enclose the apparatus. (Col. 4 lines 50 –67; Col 5, line 1). Accordingly, it is believed that new claim 28 presents a combination of elements not anticipated by the Omar reference. As such, new dependent claim 29 should also be allowable.

New independent claim 30 and dependent claim 31 are substantially rewritten claims 9 and 10 respectively, which were not rejected under 35 U.S.C. § 102 as anticipated by Omar. Accordingly, Applicant believes that these claims are allowable.

New independent claim 32 recites that the fire pan is securable to the base pan and for the reasons noted above with respect to the amendments made to claim 15, Applicant believes that this claim should be allowable.

Finally, new independent claim 33 recites a quantity of vermiculite adapted to be disposed in said fire pan and for the reasons noted above with reference to the amendment to claim 24, Applicant believes that this claim is allowable.

No new matter has been added to the application by any of the amendments herein. Accordingly, based on the foregoing, it is believed that the present application is now in complete condition for allowance and action to that end is courteously solicited. If any issues remain to be resolved prior to the granting of this application, it is respectively requested that the Examiner contact the undersigned attorney for the Applicant.

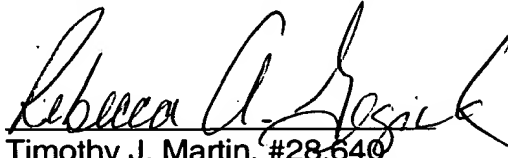
Due to this Amendment, a new filing fee calculation is provided, as follows:

Maximum Total Claims This Amendment		Total Claims Previously Paid For	
33	-	27	= 6 x \$ 9.00 = \$54.00
Total Independent Claims Per This Amendment		Maximum Independent Claims Previously Paid For	
9	-	5	= 4 x \$42.00 = \$168.00
		Additional Filing Fee Due	\$222.00

Accordingly, our check no. 17662 in the amount of \$222.00 is enclosed. The Commissioner is hereby authorized to charge any deficiency in the payment of the required fee(s) or credit any overpayment to Deposit Account No. 13-1940.

Respectfully submitted,

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8**

I hereby certify that the foregoing **AMENDMENT (18 pages), VERSION WITH MARKINGS TO SHOW CHANGES MADE (7 PAGES), AN ABSTRACT (1 PAGE), PROPOSED CHANGES TO DRAWINGS (2 PAGES), AN ASSOCIATE POWER OF ATTORNEY (1 PAGE), DECLARATION OF ROBERT VAN VLEET, DECLARATION OF DANIEL VAN VLEET, DECLARATION OF ROGER REZAC, DECLARATION OF TODD KELLER AND CHECK NO. 17662 IN THE AMOUNT OF \$222.00** is being deposited with United States Postal Service as first class mail for delivery in a postage pre-paid envelope addressed to The Assistant Commissioner of Patents and Trademarks, Washington, D.C. 20231, on this 23<sup>rd</sup> day of September, 2002.



Rebecca A. Gegick



## VERSION WITH MARKINGS TO SHOW CHANGES MADE

### In the specification:

Paragraph beginning on page 5, line 15 has been amended as follows:

With reference now to Figures 10 and 11, a second alternative embodiment of the present invention is shown. Here, campfire apparatus 110 is square-shaped so that the base 120 and the fire pan 140 are each structured as a rectangular (square) ~~parallel piped~~ parallelepiped shell while. ~~S~~spacer 180 is again structured ~~formed~~ as a cylindrical shell. Serpentine manifold 190 is disposed in fire pan 140, near the square, flat wall 142. As best shown in Figure 10, serpentine manifold 190 ~~such that it~~ has a series of linear segments 191 extending from side-to-side in fire pan 140, therein. Extension 196 of serpentine manifold 190 projects outwardly through opening 156 and is provided with a connector 198 so that it may be ~~to~~ connected to a fuel source. A shoulder portion 158 in the form of a truncated pyramid projects upwardly and inwardly from rim 146 of fire pan 140. Shoulder portion 158 ~~and is in the form of a truncated pyramid shell~~ is adapted to support the truncated pyramid-shaped of lid 160. Lid 160 is again provided with a handle 170 to facilitate removal and placement on campfire apparatus 110. Vermiculite (not shown) should be employed to a depth sufficient to cover manifold 190.

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**In the claims:**

Claim 1 has been amended as follows:

1. (Once Amended) A campfire apparatus adapted to be placed in an assembled state on a support surface and connected to a source of fuel, comprising:

(a) a base adapted to rest on the support surface when in the assembled state;

(b) a fire pan adapted to be supported by said base when in the assembled state, said fire pan including a main body portion having an inner surface, an upper rim and a pan interior;

(c) a spacer adapted to be interposed between said fire pan and said base when in the assembled state so that said base supports said spacer and said spacer supports said fire pan

(ed) a gas manifold disposed in said fire pan when in the assembled state, and having at least one gas outlet operative to introduce vaporized fuel into the pan interior when connected to the source of fuel; and

(de) a quantity of low-density, non-flammable particulate material adapted to be disposed in said fire pan at a depth sufficient to cover said gas manifold when in the assembled state.

Claim 9 has been amended as follows:

9. (Once Amended) A campfire apparatus according to claim 1 wherein said gas manifold ~~outlet~~ is shaped so as to extend circumjacent to the inner surface of said fire pan when in the assembled state and operative when connected to a source of fuel to direct vaporized fuel laterally toward an axis that is perpendicular to the plane containing the rim of said fire pan.

Claim 10 has been amended as follows:

10. (Once Amended) A campfire apparatus according to claim 9 including a plurality of ports formed in spaced apart relation to one another around said gas manifold thereby to define a plurality of gas outlets therefor.

Claim 11 has been amended as follows:

11. (Once Amended) A campfire apparatus according to claim 1 wherein said fire pan is configured as a geometric shell selected from a group consisting of: a portion of a spherical shell, a truncated pyramidal shell, a rectangular parallelepiped shell, a polyhedral shell, a conical shell, a cylindrical shell and a pyramidal shell.

Claim 13 has been amended as follows:

13. (Once Amended) A campfire apparatus according to claim 12 including a lid sized and adapted to enclose said ~~interior pan~~ interior when placed thereon in a mounted state with a portion of said lid being supported by a

portion of said main body, and wherein said lid has substantially the same geometric structure as said fire pan and said base.

Claim 15 has been amended as follows:

15. (Once Amended) A portable camping stove adapted to be placed on a support surface and connect to a source of fuel, comprising:

(a) a base ~~operative~~ adapted to rest on a support surface, said base constructed as a base shell with a lower rim so as to have a base interior, said base having a selected geometric configuration and size;

(b) a fire pan including a main body portion constructed as a fire pan shell with an upper rim so as to have a pan interior, said fire pan shell having a selected geometric configuration and size, said base and said fire pan being ~~secured~~ securable to one another so that the base interior and the pan interior are oppositely opening; and

(c) a gas manifold disposed in the pan interior and having at least one gas outlet operative to introduce vaporized fuel into the pan interior when connected to the source of fuel.

Claim 22 has been amended as follows:

22. (Once Amended) A portable camping stove according to claim 15 including a plurality of ports formed in spaced-apart relation to one another around said gas manifold thereby to define a plurality of gas outlets therefor.

Claim 23 has been amended as follows:

23. (Once Amended) A portable camping stove adapted to be placed on a support surface and connect to a source of fuel, comprising:

(a) a fire pan including a main body portion constructed as a fire pan shell having a central pan axis and with an upper rim and a pan interior, said fire pan shell having a selected geometric configuration and size;

(b) a base operative to rest on the support surface, said base constructed as a base shell having a central base axis and with a lower rim and a base interior, said base shell having the selected geometric configuration and size, ~~said base~~;

(c) a spacer formed as a hollow connector and interposed between said fire pan and said base such that when connected together, the central pan axis and the central base axis are co-linear and the pan interior and the base interior are in an opposed relationship;

(d) a gas manifold disposed in the interior of said fire pan and having at least one gas outlet operative to introduce vaporized fuel into the interior of said fire pan when connected to the source of fuel;

(e) a connector associated with said gas manifold and adapted to connect to the source of fuel;

(f) a lid constructed as a lid shell having the selected geometric configuration and size; and

(g) a quantity of low density, fire-retardant material disposed in said fire pan at a depth sufficient to cover said gas manifold.

Claim 24 has been amended as follows:

24. (Once Amended) A campfire apparatus adapted to be placed in an assembled state on a support surface, comprising:

(a) a base adapted to rest on the support surface when in the assembled state;

(b) a fire pan adapted to be supported by said base when in the assembled state, said fire pan including a main body portion having an inner surface, an upper rim and a pan interior;

(c) a reservoir adapted to provide a source of fuel;

(d) a gas manifold adapted to be disposed in the pan interior when in the assembled state, and having at least one gas outlet operative to introduce vaporized fuel into the pan interior when connected to said source of fuel; and

(e) a quantity of ~~low-density, non-flammable particulate material~~ vermiculite adapted to be disposed in said fire pan at a depth sufficient to cover said gas manifold when in the assembled state.

Claim 25 has been amended as follows:

25. (Once Amended) A method of providing an artificial campfire on a support surface, comprising the steps of:

(a) providing a fire pan having an interior and wherein said fire pan includes a gas manifold disposed in the interior thereof with said manifold having at least one gas outlet operative to introduce vaporized fuel into the interior of said fire pan;

(b) ~~supporting positioning~~ said fire pan in spaced relation above a base support disposed on the support surface ~~to the support surface~~ such that the interior of said fire pan ~~thereof~~ is upwardly opening;

(c) placing a quantity of low density, fire retardant particulate material in said fire pan at a depth sufficient to cover said gas manifold thereby to achieve a surface spaced completely above said gas manifold;

(d) introducing a fuel into said gas manifold at a pressure sufficient so that vaporized fuel is injected into the particulate material in a manner whereby the vaporized fuel migrates upwardly therethrough without igniting until it reaches the surface; and

(e) igniting said vaporized fuel along the surface of said particulate material.

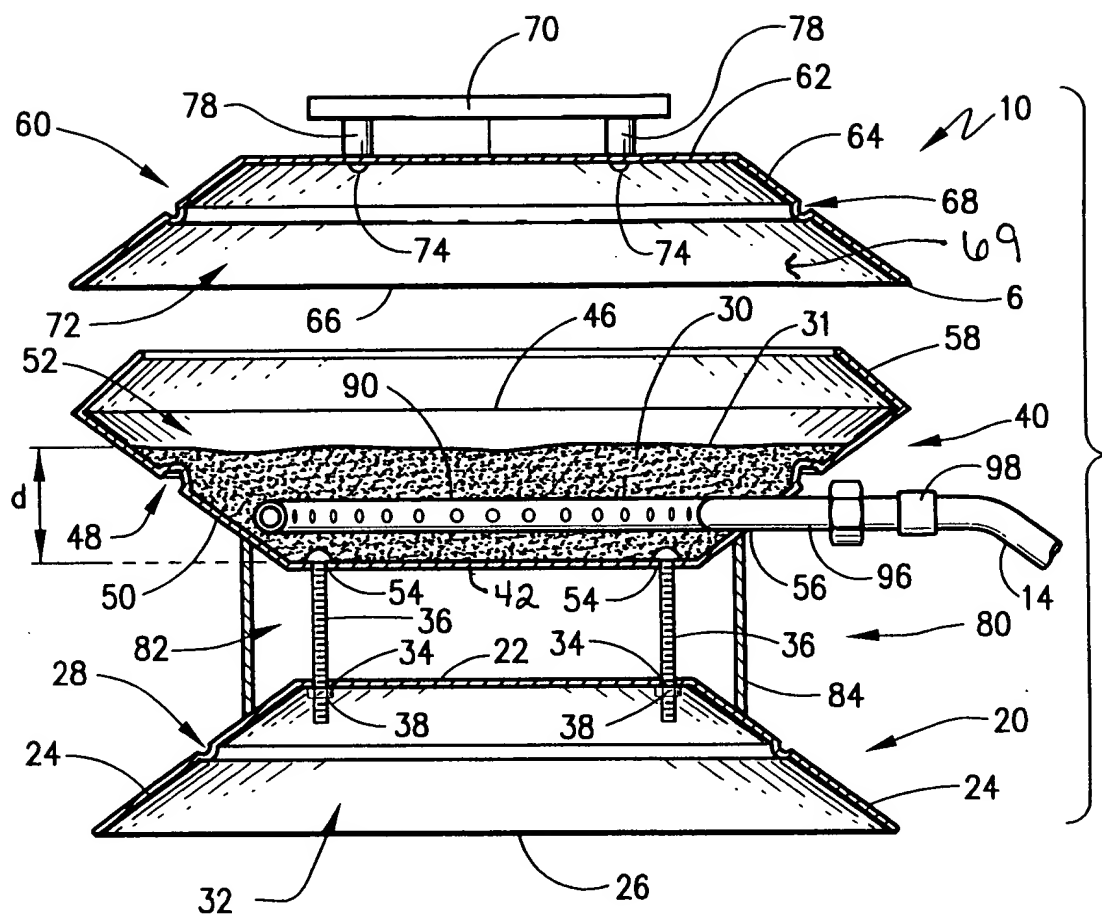


Fig.9

